

# **EXHIBIT “A”**

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August 24, 2021

VIA EMAIL: [Chambers\\_of\\_Judge\\_R\\_Barclay\\_Surrick@paed.uscourts.gov](mailto:Chambers_of_Judge_R_Barclay_Surrick@paed.uscourts.gov)

R. Barclay Surrick, Senior Judge  
8614 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

**Re: AC2T, Inc. v. Colin Purrington**  
**2:19-cv-05946-RBS**

Dear Judge Surrick:

I am counsel for the Plaintiff in this case. I am writing to ask the Court to direct the Defendant to comply with two discovery requests.

1. Document requests (Exhibit A), which are 6 months overdue.
2. Defendant's deposition (Exhibit B), which the Plaintiff has been trying to schedule for 4 months.

No objection has been raised. The defense just refuses to respond.

Defense counsel has stopped responding to my inquiries about the status of these requests. I have attempted to work out these issues with counsel. However, it is impossible to do so when counsel will not even discuss them.

For the document requests, the Defendant has not responded, has not served objections, and has not produced the documents themselves. For the deposition, the defense simply refuses to schedule the deposition since the Plaintiff first sought it in April.

R. Barclay Surrick, Senior Judge  
August 19, 2021  
Page Two

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I request that the Court either order the Defendant to comply or schedule a conference with counsel to discuss these issues. A proposed order is attached. Thank you for your attention to this matter.

Respectfully,

/s/ Evan L. Frank

:elf

Enclosure

cc: Trevor C. Serine, Esq. (e-mail: [tcs@serinelaw.com](mailto:tcs@serinelaw.com))

# **EXHIBIT “B”**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>AC2T, Inc., d/b/a Spartan Mosquito,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Action</b>
	:	<b>Case Number: 2:19-cv-05946-RBS</b>
	:	
<b>v.</b>	:	<b>Jury Trial Demanded</b>
	:	
<b>Colin Purrington,</b>	:	
	:	
<b>Defendant.</b>	:	
	:	

## ORDER

**AND NOW**, this       day of                      , 2021, it is hereby **ORDERED:**

1. The Defendant shall attend and testify at his deposition on September 10, 2021, and otherwise comply with the Plaintiff's Second Amended Notice of Deposition.
2. The Defendant shall produce the documents requested in the Plaintiff's Second Requests for Production of Documents at least three (3) days prior to his deposition.

By the Court:

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# **EXHIBIT “C”**

**TREVOR C. SERINE**

ATTORNEY AND COUNSELOR AT LAW

30 WEST THIRD STREET  
MEDIA, PENNSYLVANIA 19063

ADMITTED IN PA & NJ  
E-MAIL: TCS@SERINELAW.COM

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August 25, 2021

*Via U.S. Mail and Email: (Efrank@alflaw.net)*

Evan L. Frank, Esquire  
Alan L. Frank Law Associates, PC  
135 Old York Road  
Jenkintown, PA 19046

**RE: AC2T, Inc. v. Purrington**  
2:19-cv-05946-RBS

Dear Mr. Frank:

I am in receipt of your inappropriate, misleading, and unethical *ex parte* communication dated August 24, 2021 sent directly to Senior Judge Surrick. Your letter is highly objectionable, directly contravenes the Rules of Professional Conduct, namely Rule 3.5, and even enclosed a “proposed order” seeking substantive relief. The fact that I am copied on the correspondence is irrelevant.

You have willfully violated Rule 3.5 governing Professional Conduct, not to mention the local rules, and have committed a sanctionable offense for your attempt to abuse the judicial process. Moreover, your letter is a continued effort to use these proceedings to abuse and harass the Defendant, just as alleged in the Counterclaim of the Defendant. If you had an issue, you are well aware that you are required to file a Motion for an Order for relief – much like the Motion of the Defendant pending against you for your failure to comply with discovery requests.

Not only should your correspondence be rightfully discounted in its entirety by the Court pursuant to Rule 2.9 of the Code of Judicial Conduct, but also the Court should issue sanctions against you and award attorney’s fees to the Defendant as a result of your gross and intentional violation of the Rules of Professional Conduct. The Defendant intends to file a Motion for Sanctions provided the Court does not independently issue sanctions.

Defendant demands that you cease and desist from further *ex parte* and unethical attempts to influence this Court.

Very truly yours,



**TREVOR C. SERINE**

cc: R. Barclay Surrick, Senior Judge  
(Chambers\_of\_Judge\_R\_Barclay\_Surrick@paed.uscourts.gov)

# **EXHIBIT “D”**



Subject **RE: AC2T, Inc. v. Purrington – Civil Action No. 19-5946**

10/4/2021, 7:23

To Donna Marley

Cc Alan Frank <afrank@alflaw.net>, Trevor C. Serine, Esq.

Please note that these issues are still not resolved, despite defense counsel's e-mail below:

1. Defendant still refuses to attend a deposition after now almost 6 months of me trying to schedule it.

Please also note that the pleadings are in fact closed, despite defense counsel's statement otherwise.

2. Defendant still has not responded to our 2<sup>nd</sup> document requests (Ex. A to our letter), which are now 7 ½ months overdue.

We therefore request the court rule on our discovery letter.

Respectfully,

Evan L. Frank, Esquire

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ATTENTION:

IRS CIRCULAR 230 DISCLOSURE:

Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

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